

## **ARKANSAS STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS**

### *Secretary's Report May 2014- May 2015*

Current members of the State Board are: President James Terry Woodard, Wynne, AR, 1<sup>st</sup> District – professional member; Bobby Burns, Beebe, AR, 2<sup>nd</sup> District- professional member; Bobby Thurman, Eureka Springs, AR, 3<sup>rd</sup> District- professional member; Ben Brazzel, Hope, AR, 4<sup>th</sup> District –professional member; Jerry Adams, Lonoke, AR, At-Large position - professional member ; Patricia Roberts, Prescott, AR, Senior Citizen Representative and John Wilkerson, Little Rock, AR, Consumer Representative appointed December 2014.

Current Staff: Amy S. Goode, Executive Secretary; Leslie Stokes, Investigator/Inspector, Lori Nofziger, Administrative Specialist and Nina Carter, Board counsel. Mr. Boyd Heath retired on June 30, 2014. Previous legal counsel Mark Ohrenberger left the Attorney General's office in January 2015.

Over the course of this reporting period the Board convened on seven occasions to conduct regular Board business, on three occasions the Board held teleconference meetings, on eight occasions the Board held special meetings/hearings for crematory permit construction requests, and on one occasion the Board held a special hearing in the matter of Arkansas Funeral Care. Board activities included reviewing complaints, convening hearings when appropriate, hearing applications for reinstatement, crematory construction public hearings, reviewing applications for new establishments, establishment inspections, monitoring the apprenticeship program, licensing, and responding to public inquiries. The Board worked throughout the year on possible rule changes, but then focused their attention on law changes. The Board worked diligently to update their antiquated laws and we are happy to announce that HB1711 was passed by both the House and the Senate and is now Act 1095.

The Board also reviews and approves applications for Continuing Education programs. The Board co-sponsored a 6 hour CE program in October of 2014 in conjunction with ARORA. It was an outstanding program that was well attended and reviewed. The Board tries to sponsor at least one program a year, provided we can find quality speakers at an affordable price. All programs that are approved are listed on the web site, [www.arkansas.gov/fdemb](http://www.arkansas.gov/fdemb).

### ***Compilation of Board Activities***

#### **COMPLAINTS/HEARINGS**

The Board reviewed **24** complaints. These complaints dealt with allegations of fraud, failure to provide services as contracted, misrepresentation, practicing without a license, solicitation, possible FTC violations, unethical, and unprofessional conduct. After review of the complaints and consultation with Board counsel it was determined that there was sufficient evidence of possible violations in **17** of the complaints, further investigation resulted in all **17** being set for Hearings. All other complaints were dismissed for insufficient evidence or actions and/or activities outside the scope of the Board's authority. There were **7** hearings set for licensure and apprenticeship approval.

#### **May 2014**

The Board conducted hearings/heard complaints and discussed the following:

- Reinstatement of Darnell Washington's funeral director license after passing ARLRR and paying fees.
- In the matter of: Carl Ussery, Applicant for Student Funeral Director.

- In the matter of: Christopher D. Ross, Licensed Funeral Director.
- In the matter of: Leonard Fitzgerald, a Licensed Funeral Director and Embalmer for Reinstatement.
- In the matter of: Effie Collins, a Licensed Funeral Director and Collins Chapel a Funeral Establishment for Reinstatement.
- Reviewed complaint case #12-12, 14-4, and 14-5.
  - Case 12-12 was dismissed.
  - Case #14-4-14-5 were set for hearings.
- Javier Buck and Richardson Memorial filed an appeal on the Board's findings from March 2014.
- Arms of Peace – request for temporary location.
- Rules Committee met.
- Executive Session due to personnel matter – hiring of new inspector.

#### **June 2014**

The Board conducted hearings/heard complaints and discussed the following:

- June 25, 2014 – Public Hearing Dogwood Crematory construction permit – Blytheville, AR.
- June 25, 2014 – Public Hearing Tri-City, LLC Crematory construction permit – Manila, AR.
- June 26, 2014 – Teleconference meeting to approve permits for Blytheville and Manila.

#### **July 2014**

The Board conducted hearings/heard complaints and discussed the following:

- In the matter of: Billy Reddick and Reddick Funeral Home, a Licensed Funeral Director and Funeral Establishment.
- Reviewed complaint case#14-6. It was dismissed.
- July 15, 2015 – Public Hearing Conner-Hankins Crematory construction permit – Mountain Home, AR.
- July 29, 2014 – Public Hearing Humphrey Family Crematory construction permit – Russellville, AR.

#### **August 2014**

The Board conducted hearings/heard complaints and discussed the following:

- Re-reviewed complaint case#14-4 for attorney clarification on the Notice of Hearing.
- Effie Collins and Collins Chapel filed an appeal on the Board's findings from May 2014.
- Rules Committee met.

#### **September 2014**

The Board conducted hearings/heard complaints and discussed the following:

- In the matter of: Christoper D. Ross, a Licensed Funeral Director.
- Reviewed complaint case#14-7, 14-8, 14-9, 14-10, and 14-11.
  - Case#14-7 was set for hearing.
  - Case #14-8-14-9 were tabled for further investigation.

- Case#14-10 was tabled due to lack of quorum since Jerry Adams recused.
- Case#14-11 was set for a hearing.

## **October 2014**

The Board conducted hearings/heard complaints and discussed the following:

- October 2, 2014 – Public Hearing and meeting Hoggard crematory construction permit. Permit granted – Piggott, AR.
- October 3, 2014 – Public Hearing and meeting Kirby crematory construction permit. Permit granted – Mountain Home, AR.
- October 28-29, 2014 – Teleconference Board meeting concerning Hardy Funeral Home request.

## **November 2014**

The Board conducted hearings/heard complaints and discussed the following:

- Reinstatement of Triwana Sanders funeral director license after paying required fee.
- Humphrey Family Properties, LLC withdrew their original application with intent to reapply, since they moved the crematory proposed construction site.
- Board granted Brandon's Mortuary until January 1, 2016 to begin rebuilding Hot Spring's location or surrender their license.
- Charles E. Fuller & Co. and Fuller-Hale South operate out of same location. Board granted until January 1, 2016 to transfer Charles E. Fuller & Co to another location or to begin construction.
- In the matter of: Warren & Matthew "Peaches" Strickland and Davis-Strickland Funeral Home, a licensed funeral director and licensed establishment. Case #14-4.
- In the matter of: Warren & Matthew "Peaches" Strickland and Davis-Strickland Funeral Home, a licensed funeral director and licensed establishment. Case #14-11.
- Reviewed complaint case #14-8, 14-9, 14-10, 14-12, and 14-13. All were dismissed for no violations.

## **December 2014**

The Board conducted hearings/heard complaints and discussed the following:

- December 19, 2014 – Public hearing Humphrey Family Properties crematory construction permit – Russellville, AR.

## **January 2015**

The Board conducted hearings/heard complaints and discussed the following:

- Reinstatement of Jack Still dual licenses.
- In the matter of: Brazzel-Cornish Funeral Home and Ben L. Brazzel, a licensed establishment and a licensed funeral director and embalmer. Case #14-7.
- In the matter of: Herman Eaton.
- Reviewed complaint case #14-14, 14-16-, 14-18, and 14-19. Case 14-18 was set for a hearing, but was resolved prior to hearing be held.
- Mark Ohrenberger resigned from the Office of the Arkansas Attorney General.
- January 12, 2015 inspection at Arkansas Funeral Care (AFC).
- January 13-16, 2015 investigation continued at Arkansas Funeral Care (AFC).

- January 21, 2015 – Emergency teleconference board meeting to temporarily suspended Mr. Wood's and AFC licenses to operate in accordance with A. C. A. §25-15-211 (c).
- January 23, 2015 – Board entered into a consent agreement with LeRoy Wood. Mr. Wood's funeral directors license, AFC license and AFC crematory license were all surrendered and a penalty was levied in the amount of \$10,000.00.

#### **April 2015**

- Rules Committee met

#### **March 2015**

The Board conducted hearings/heard complaints and discussed the following:

- Reinstatement of Shannon Tribble's funeral director license after passing ARLRR exam and paying delinquent fees.
- Hardy Funeral Home of Little Rock received an additional extension to use Gunn as a temporary location until May 1.
- Leslie Stokes was promoted from Inspector to Investigator after performance evaluation. She will still serve as the Board appointed Inspector.
- Reviewed complaint case #14-15, 14-17, 15-2, 15-3, 15-5, 15-7, 15-9, 15-11, 15-13, and 15-15 – 15-21, which all resulted in being set for hearings.
- Lockwood and Boyd Funeral Home in Marvell, AR was approved for licensure.

### ***Compilation of Board Activities***

#### ***Exam – ICFSEB***

Time Frame	Examinees	Pass	Fail	No Show
May 2014 – April 2015	97	56	39	2

#### ***Registered Apprentices***

Registered Apprentices	Funeral Director	Embalmers
	102	34

#### ***Licensed Funeral Directors and Embalmers***

Licensed Individuals	Funeral Director	Embalmers
	59	27

#### ***Establishment Licenses Issued***

Board ID	Name	City	Date	Manager	Owner
24401	River Valley Cremations Society	Dardanelle	6/13/2014	Rush Cornwell	Same

<b>24375</b>	Sullivan Funeral Care, LLC	Kensett	07/01/2014	Mark Sullivan	Same
<b>24407</b>	P & K Mortuary	Little Rock	07/08/2014	Gary Brown	Phillip Watson, Jr.
<b>24452</b>	Wilson's Funeral Home, Inc.	West Helena	10/15/2014	RaiMundo Holloway	Cedric Wilson
<b>24442</b>	Fears Family Funeral Home	Pocahontas	10/30/2014	Jonathan Fears	Gerald & Jonathan Fears
<b>24473</b>	Veasley Funeral Home & Cremations	Conway	11/18/2014	Derrick Veasley	Henry & Derrick Veasley
<b>24506</b>	Lockwood and Boyd Funeral Home, LLC	Marvell	2/23/2015	Brandon Lockwood	Same

#### **Transport Licenses Issued**

<i>Board ID</i>	<i>Name</i>	<i>City</i>	<i>Date</i>	<i>Owner</i>
<b>24396</b>	Matos Mortuary Transport Service	Beebe	6/6/2014	Mike Matos
<b>24461</b>	Buddy's Overland	Nashville	10/30/2014	David Tribble

#### **Crematory Licenses Issued**

<i>Board ID</i>	<i>Name</i>	<i>City</i>	<i>Date</i>	<i>Owner</i>
<b>24423</b>	Affordable Cremations/Conner-Hankins Funeral Home Crematory	Mountain Home	1/9/2015	Conner-Hankins Funeral Home
<b>24323</b>	Tri-City, LLC	Manila	1/14/2015	Susan Robertson

#### **Financial**

Funds collected from July 1, 2014 to April 30, 2015	\$161,849.35 (\$10,000 was AFC Civil penalty)
Projected Fund balance, June 30, 2015	\$212,350.00
Budget for FY 16 (July 1, 2015-June 30, 2016)	\$231,088.00
Transfer to Burial Board July 1, 2014	\$51,035.00